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Special report of the Secretary-General on elections in the Democratic Republic of the Congo

I. Introduction

1. The Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed by the Congolese parties on 17 December 2002, outlined a transitional process culminating in national elections to be held two years after the inauguration of the Transitional Government in June 2003. The Agreement stipulated that the transition could be extended for two six-month periods if technical preparations for elections were delayed. While considerable difficulties have been encountered during the past two years, the Transitional Government has, nonetheless, made significant strides in implementing the objectives of the peace agreement and the Congolese people are now increasingly focused on the elections.

2. The forthcoming elections will be the first national elections in the Democratic Republic of the Congo since 1965. They will involve a number of formidable challenges: the logistical task of reaching all eligible voters in a country the size of Europe with virtually no roads, a population without identity cards and no census since 1984; insecurity from armed groups in some areas and political tensions in others; and the pressure of the public's high expectations for change. The electoral process will also be affected by a number of key issues on the transitional agenda of which progress remains significantly delayed, in particular integration and reform of the army and police, the legislative agenda, the extension of State administration, and the financial management of the country.

3. The holding of elections is a key element in the transition from a post-conflict to a truly democratic, unified and stable State. It will be essential that these elections are sufficiently credible in the eyes of the Congolese electorate and the political parties to produce broad acceptance of the process and results. By its resolution 1592 (2005) of 30 March 2005, the Security Council called on the parties to the transition to make concrete progress towards the holding of elections, as provided for by the Global and All-Inclusive Agreement, in particular in furthering the early adoption of the constitution and of the electoral law, as well as the registration of voters. The present report provides an overview of progress towards the holding of elections in the Democratic Republic of the Congo, including the legislative and operational framework, the political situation and the security environment. The report, which is based on the findings of a United Nations mission to assess electoral preparations that visited the country in April 2005, also presents

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the plans of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for assisting the Congolese people to achieve a viable and open electoral process.

II. Status of preparations for the holding of elections

The legislative agenda

4. In spite of considerable delays, important elements of the legislative framework for the holding of elections are in place, including the laws on nationality and voter registration. Still to be adopted are the amnesty, referendum and electoral laws. On 13 May, the National Assembly adopted the post-transition Constitution.

5. The new Constitution will play a critical role in the establishment of post-electoral stability. The draft provides for a unitary State with a substantial degree of decentralization and autonomy for the provinces. It also foresees a semi-presidential system in which the President would be elected by universal and direct suffrage by an absolute majority of votes. The President would appoint a Prime Minister from either the party holding the majority in Parliament or from a coalition of smaller parties constituting a majority. The text provides for a balance of powers between the executive, legislative and judiciary. The Government, which would be accountable before the National Assembly, would determine, in consultation with the President, and implement the policy of State.

6. Equally important will be the text of the electoral law, which should provide the basis for an electoral process that substantially meets international standards of fairness and transparency. In particular, the electoral law should contain inclusive and equitable provisions on the eligibility of candidates, mechanisms for the adjudication of disputes, provisions to deter electoral malpractices, and minimum guarantees for participation. It should clearly spell out the modalities for promulgating regulations in those areas in which it does not itself provide all required detail. Considering the time pressures facing the transition, the law should also contain sufficient flexibility to allow the Independent Electoral Commission to deal with situations not explicitly provided for in the law.

Technical preparations for the elections

7. After a lengthy delay of one year, the Independent Electoral Commission (IEC) was established in June 2004. Over the past year, IEC, which is responsible for organizing and conducting the electoral operations, has done its best to make up for lost time in putting the technical preparations for elections in place. Nevertheless, on 28 April 2005, the President of IEC submitted to the National Assembly his report on the status of electoral preparations and, in accordance with the Transitional Constitution, formally requested the National Assembly to approve an extension of the transition.

8. Over the past year, IEC has established a national base in Kinshasa, 11 provincial offices and most of the planned 64 liaison offices, which act as its operational arm covering the 145 *territoires* and 21 cities that comprise the local administration of the Democratic Republic of the Congo. IEC has also conducted detailed planning and has started work in the four significant areas of its operations:

voter registration, logistics (distribution and retrieval of materials and personnel), public outreach, and the training of short-term electoral staff. As concerns voter registration, a validation test of registration equipment was conducted from 25 April to 1 May, and the first batch of voter registration machines is expected to arrive in the country by early June.

9. To register the estimated 28 million voters, the electoral plan calls for the establishment of approximately 9,000 registration centres throughout the country, with registration carried out on a progressive basis in order to make the maximum use of resources. It is anticipated that voter registration will commence in June 2005, beginning with Kinshasa and other urban areas. The final register of voters will be published once the entire registration process has been completed.

10. Detailed planning for the polling phase will be finalized upon adoption of the electoral law, which will determine the number of polling days and the sequence and levels of the elections. For this phase of the process, IEC plans to split each registration site into three to five polling stations, providing for up to 40,000 polling stations operating in some 10,000 locations for the referendum and national elections.

11. According to the United Nations assessment mission and in the estimation of IEC, the referendum, which would be preceded by a campaign and sensitization period, could be held shortly after the publication of the voters list. The time between the referendum and the national elections will then be determined primarily by the operational requirements of withdrawing, inventorying and redeploying any reusable materials from the referendum, in addition to procurement procedures for new materials.

12. International assistance to the electoral process is coordinated through two principal complementary forums. The Technical Committee of the Joint Commission on Elections, chaired jointly by MONUC and IEC, is the principal coordination forum for all international actors supporting the electoral process. A Steering Committee, composed of donors to the UNDP fund for IEC, has also been established to provide strategic guidance and validate all major disbursement decisions.

13. In June 2004, donors approved an estimated budget of some $285 million to support the electoral process through IEC. UNDP has established a special project to help mobilize resources and manage donor contributions. To date, approximately $181 million of the $285 million budget has been pledged. However, funds actually made available amount only to some $88 million, thus creating a cash flow problem that could have an adverse impact on the procurement of voter registration materials. Of the $20 million committed by the Government of the Democratic Republic of the Congo, actual disbursements thus far amount to only $2 million.

14. The high costs of organizing elections in the Democratic Republic of the Congo are primarily due to the size of the country and its lack of infrastructure. These factors, and the challenges noted above, affect the work of IEC at all levels. While the Commission's provincial offices can broadly be described as operational, their work has been impeded by sub-standard premises and a lack of basic office equipment. While some office equipment is expected to be supplied shortly, the full establishment of the 64 liaison offices has been delayed by difficulties in identifying suitable premises and, in a few cases, lack of cooperation from local authorities. The

delay in the establishment of the liaison offices has meant that the identification of centres for the forthcoming registration of voters has had to be accomplished with the direct involvement of IEC officials at the national level with the support of MONUC field electoral officers.

15. While the electoral budget cover the cost of transportation of equipment and material to the Democratic Republic of the Congo, and of further surface transportation from the 145 *territoires* and 21 cities to the registration and polling stations, it does not include the bulk transportation of electoral materials from Kinshasa to the *territoires* and major cities. Given the size of the country and the lack of roads, this will require a mix of air and river transport assets that are not available locally. Hence, IEC has asked MONUC to take on this responsibility. To achieve economies of scale, it will be essential, in this connection, that logistics planning and execution are closely coordinated between IEC, MONUC and UNDP.

Political environment

16. To date, several hundred political parties have applied to register as participants in the electoral campaign, as required by the law on the organization and operations of political parties promulgated on 15 March 2004. The four major parties include three of the components of the Transitional Government — Parti du peuple pour la reconstruction et la démocratie (PPRD), Rassemblement congolais pour la démocratie-Goma (RCD-Goma) and Mouvement pour la libération du Congo (MLC) — as well as the Union pour la démocratie et le progrès social (UDPS). In addition to these four major political parties, approximately 20 other parties are estimated to hold a considerable electoral base.

17. While, given its history, the Democratic Republic of the Congo does not have experience with peaceful political debate, credible elections will require a free and fair campaign and secure access of the population to registration and polling, without fear of intimidation. There is concern that tensions generated during the electoral period could result in increased violations of civil and political rights. MONUC has already registered and documented violations of freedom of the press, association and expression, and recorded instances of arrests and harassment of politicians or sympathizers of political parties.

18. It should be noted that the present components of the Transitional Government will participate in the electoral process as political parties. It will be necessary that, in this dual role as members of the Transitional Government and electoral candidates, they take steps to ensure that the electoral process is free and fair for all concerned, and perceived as such by the population. While strides have been made in unifying the country and integrating the security forces, there is concern that members of the Transitional Government at all levels may attempt to use their influence, through the military, police, media or Government finances, to manipulate the campaign process.

19. The downturn in the Congolese economy since September 2004 is also a matter of serious concern, both from the standpoint of sound economic management of the country and in regard to the forthcoming electoral period. Major donors have reported increasing signs of financial mismanagement, corruption and a lack of transparency in the collection of revenues and Government expenditures. It has been noted that these trends could be related to the manipulation of revenues by officials who would not expect to return to the administration after the elections, as well as

by those seeking to influence the campaign process. Donors have expressed concern that, while they provide support for half the national budget, the Government is still not covering basic services, including the salaries of civil servants. Serious concern has arisen over the prospect that, with the depreciation of the Congolese franc and increasing rates of inflation, the frustration of the Congolese people, including underpaid military and police personnel, could be easily manipulated by potential spoilers.

Security environment

20. There are a number of potential threats to the security of the electoral process. A major source of concern is the continued existence, in a climate of general insecurity and lawlessness, of armed groups of uncertain allegiance and intentions, particularly in Ituri, North and South Kivu, central and northern Kantanga and, to a lesser extent, Maniema. The activities of spoilers opposed to elections and to the peace process, who might manipulate these groups, could seriously affect the climate in which elections are held, including by delaying or disrupting preparations. These groups could also pose a threat to the deployment of national and international electoral personnel and the access of the population to registration and polling stations.

21. In combination with national integrated military units, MONUC military deployments in Ituri and the Kivus will assist in maintaining an overall security presence in those areas throughout the electoral process. Concern has been raised, however, about security for the elections in northern and central Katanga, where State administration is largely absent and the national armed forces have yet to show the capacity to address security issues related to the presence of Mayi-Mayi groups in those areas. The success of the electoral process will be closely linked to progress in bringing such groups into the processes of disarmament, demobilization and reintegration and security sector reform, in particular army integration. Moreover, a national army operating under one solid chain of command with control over registered, paid, equipped and otherwise sustained troops could provide an additional deterrent against violent challenges to the electoral process and contribute to border security. If the integration of the Mayi-Mayi in Katanga is not urgently addressed by the Government, adequate participation of voters in this region could be put at risk.

22. A second category of security threat relates to law and order and, in particular, to tensions between political parties in large population centres such as Kinshasa, Mbuji-Mayi, Lubumbashi and, to a lesser extent, Kisangani. There is a concern that dominant political parties in such areas — and the local government if it is in opposition to major political parties in the area — could threaten the activities of smaller parties, including through the manipulation of local police forces, armed groups and street children, the creation of civic disorder and direct threats to political personalities. Competing political parties, especially those representing minority groups, are likely to vigorously protest and demonstrate against any perceived manipulation or misuse of authority by local government officials.

23. A related issue of concern is how prevailing tensions between ethnic groups could affect the dynamics of local politics in some areas. The expected return of up to 8,000 Banyamulenge refugees from Rwanda and Burundi, who fled as a result of violence during the Bukavu crisis of June 2004, and the return of as many as 40,000

Banyarwanda refugees from Rwanda to North Kivu, could pose considerable security risks during the registration and polling stages of the process.

24. Similarly, in the Ituri district of Province Orientale, even after the completion of disarmament and community integration, tensions are likely to rise during the electoral period between the closely intertwined Hema and Lendu communities, notably in the Djugu and Irumu *territoires*. There is also a concern that ethnic tensions could intensify during the electoral process in areas of southern Katanga, particularly the cities of Lubumbashi, Kolwezi and Likasi. These cities, which make up 27 per cent of the province's estimated electorate, have a history of ethnically motivated violence by indigenous Katangans towards Congolese from other provinces.

III. MONUC support for the holding of elections

25. With the forthcoming holding of elections, the peace process in the Democratic Republic of the Congo is moving into a new phase. While the international community can assist, the ownership of the electoral process must remain with the Government and people of the Democratic Republic of the Congo. The Transitional Government needs to address some key issues to ensure that the electoral process is secure and credible. The most important of these are financial and logistical support for the electoral operations; creating security through increased attention to and resources for military and police integration; installing a transparent system of financial oversight over revenue collection and spending; and ensuring that the political environment is free of intimidation during the campaign and voting stages of the process.

26. During the electoral phase of the transition process, the main objective of MONUC will be to help ensure that conditions are in place to enable the newly elected Government to manage the country in a stable environment. Hence, the Mission's main effort is directed towards helping the Congolese people to put a viable post-transition government structure in place, to meet the challenges associated with organizing and conducting the elections, and to ensure that the political and security environment is conducive to a credible electoral process.

27. Owing to the size of the country, however, MONUC will not be able to deploy its civilian, military and police personnel in all areas. It will focus its civilian/political efforts at the national level and on main population centres at the provincial level, with temporary deployments and missions to less populated locations. MONUC police personnel will concentrate on capacity-building, particularly in areas of potential civilian unrest, where the main effort will remain focused on political dialogue and problem-solving. Similarly, MONUC military deployments and the Mission's political work will focus on the military threat posed by uncontrolled armed groups.

Legislative process

28. In accordance with its mandate, and as noted above, MONUC has coordinated international technical and political support, through the Joint Commission on Essential Legislation and the International Committee in Support of the Transition, to assist its Congolese interlocutors in their efforts to prepare a viable post-transition constitution. Similar support will be provided for the electoral law.

29. Another issue related to the legislative agenda concerns possible complaints during the electoral process, particularly after the balloting. The electoral law is likely to provide for an adjudication mechanism, either through the Congolese court system or through the establishment of a special electoral court. After years of conflict and factionalism, the Congolese court system remains fragile. Hence, whichever mechanism is chosen, capacity-building support will be required to help train judges in the electoral law. Moreover, should the Congolese adjudicative structures face major complaints against the electoral process in a politically charged atmosphere, consideration may be given to the establishment of an independent panel of electoral experts, including international personalities of unquestionable repute, who could be called upon to make an assessment of any major charges. While such a panel would have to be independent of MONUC, given the Mission's role in support of the elections, I have asked my Special Representative to explore this issue with the Transitional Government and the International Committee in Support of the Transition at the appropriate time.

Electoral operations

30. The Electoral Assistance Division of MONUC consists of a small headquarters team that provides technical advice and assistance on a daily basis to IEC at the national level, as well as strategic advice and coordination for international donors to the electoral operations. The Division's field offices are established in 15 locations, 13 of which are fully operational (the exceptions being Kikwit and Bandundu). The field offices provide technical assistance to the provincial and liaison offices of IEC and have, to a large extent, filled the gap resulting from the late establishment of the IEC field structures. While the field offices are mostly located one to a province, in some areas additional offices have been established to take account of geographical expanse, population and the political complexity of the area.

31. The structure of the electoral component of MONUC was initially proposed prior to the establishment of IEC and its operational structure in the field, and well in advance of the promulgation of the legislation governing the electoral process. On the basis of a fresh assessment of needs, I intend to establish six additional field offices and sub-offices and to provide a minimal reinforcement of the headquarters team. The additional field offices will bring MONUC personnel into closer proximity with the IEC field operational structures and enhance their capacity to provide technical assistance to those structures. It will also improve information-gathering capabilities in areas of difficult access. Similarly, reinforcement of the headquarters team will improve the level and depth of support to the planning capacity of IEC at the central level and give sharper focus to the capacity-building efforts and electoral strategy of MONUC. It is expected that such assistance will also help the Democratic Republic of the Congo to develop an electoral institution capable of conducting elections in the future with minimal dependence on international advisers.

The political environment

32. In addition to the legislative and operational aspects of the elections, achieving a political environment conducive to peaceful political party activity and popular participation will be essential for the credibility of the process. The Congolese leaders, MONUC and their international partners are focusing on several key issues

in this regard, including a code of conduct, ensuring the transparent use of State resources and broadening political space.

33. At a seminar for political parties held in March 2005, IEC presented a draft code of conduct for the electoral process. The draft code was adopted by all parties present by general consensus. It is now being finalized so that it can be signed by the participants. In addition to this code of conduct, the Congolese leaders should be urged to undertake a formal commitment, publicly pledging on behalf of their respective political parties and followers to accept the results of the elections and condemning any use of violence, intimidation or corruption during the electoral process. The international community should use robustly the political means at its disposal to ensure that those commitments are respected.

34. It will also be necessary to address the increasing reports of growing and widespread misuse of State resources, including the misappropriation of funds meant for the payment of salaries of military and police personnel. As the elections approach, State funds may also be misused to finance political parties' activities. To help strengthen public confidence in the transition process, some Member States have suggested that a joint mechanism of Congolese officials and international donors be established to support the transparent management of State resources, including revenue from the mining sector. I strongly support this idea. Such a mechanism, which could be established in the form of a Group of Friends of Good Governance, should include, inter alia, the World Bank the International Monetary Fund and UNDP. I have asked my Special Representative to explore this idea with his Congolese interlocutors and donors.

35. While the measures described above would help to strengthen confidence in the electoral process, additional efforts must be made to help the political parties and electorate to understand the process, and to strengthen popular participation in it. In accordance with the mandate of MONUC, the Mission's capacities in the areas of political affairs, human rights, civilian police, the rule of law and gender can play an important role in monitoring the overall environment surrounding the elections, and in supporting and protecting the rights of the electorate and political parties.

36. Using the field office structure, MONUC staff will work with local authorities, political parties and civil society to monitor and gather information on the process, and bring to the attention of the authorities violations of the rules and regulations governing the electoral process. MONUC will also aim to reach less accessible areas with visits of combined teams of electoral, political, human rights and other staff, along with Congolese partners.

37. In addition to its overall monitoring role, MONUC, together with partners in the United Nations system, will work with local partners to prevent tensions and build confidence in the electoral process by educating the public on civil rights and public liberties, as well as issues related to elections and children. MONUC will convene round tables, workshops and seminars of a large range of actors involved in the electoral process, including parties, administrative authorities, judicial and military authorities, and non-governmental organizations. The goal of the round tables will be to provide a venue in which to examine concrete means of ensuring respect for democratic reforms and human rights during the electoral period and beyond.

38. At the same time, MONUC will need to have access to places of detention, should persons be arrested during political demonstrations, to ensure that such arrests are not politically motivated. It should be noted that, following the demonstrations in January 2005, which resulted in the killing of several demonstrators and numerous arrests, MONUC human rights officers were not given access to the detainees.

39. The public information capacity of MONUC will also play a critical role in ensuring that the electoral process is well understood by the population and all political parties. The rights and responsibilities that are accorded to the electorate and to political parties will need to be clearly articulated by IEC, the authorities and MONUC. This puts a premium on an effective public information strategy. MONUC is enhancing its public information strategy to help keep the public informed of what is to be expected at each stage of the process and to conduct civic education to allow voters to participate in an informed manner.

40. The MONUC information strategy will use the office of its spokesman, Radio Okapi, special publications, community outreach and the Internet to sensitize voters in a maximum number of locations; execute a strong civic and voter education campaign; highlight and denounce human rights abuses, acts of criminality and intimidation; advocate improved national security, humanitarian access and political tolerance; and highlight developments in the electoral process as it unfolds. The public information strategy will thus have both an informational function and an important role in promoting a free and fair political environment surrounding the elections.

41. The complicated and interdependent operational, political and security aspects of the electoral process will require effective coordination among MONUC components. At the field level, the head of each MONUC office will bring together electoral and other substantive staff and security personnel, as well as military and police personnel where applicable, to ensure that electoral plans and MONUC activities are mutually reinforcing and carried out with due regard to staff security and the overall security environment. At MONUC headquarters, the Joint Mission Analysis Cell will analyse integrated reporting sent from MONUC field offices and identify emerging trends, concerns and opportunities across the country, with a particular focus on the evolving political environment and electoral planning in the field. The Deputy Special Representative or someone designated by him will chair a coordination group for the elections that will draw on analysis from the Joint Mission Analysis Cell and the resources of the Joint Operations Centre to generate integrated planning and tasking for the Mission's substantive and logistic contributions to efforts to prepare a political and security environment conducive to the holding of elections.

Security environment

42. As noted above, significant and rapid progress in security sector reform will be required in the lead-up to the elections in order to ensure a favourable overall environment for the campaign, registration and polling phases of the elections. The main constraints at this juncture include a severely under-resourced *brassage* (integration) process, non-payment of salaries to military and police personnel, and lack of basic equipment and sustainment for the integrated brigades and police to carry out their duties. The European Union has decided to channel €6 million

through UNDP for the provision of logistics and training for *brassage*. MONUC will help to manage these resources on the ground. The Government of the Netherlands, which will channel its aid through the Government of South Africa, has pledged €5 million for support to the *brassage* centres. While this assistance is most welcome, additional steps are urgently required on the part of the Transitional Government and donors to ensure that security sector reform is put on a solid track.

43. As noted earlier, there are several localities where the continued presence of uncontrolled armed groups or deep political tensions could compromise the security of the electoral process. Rapid and decisive action by the Congolese leaders to ensure security in these areas is the fundamental solution to this problem. The support of other international partners, as well as of MONUC where possible, in training and equipping the national police and armed forces to carry out their security roles is also an essential element. Nevertheless, given the current state of the Congolese military and police, I believe that additional MONUC military and police deployments will be required to help secure the elections in some key areas of the country, with the United Nations military addressing the threat of armed groups and police addressing the threat of civil unrest, particularly in areas of Katanga and potentially volatile cities such as Mbuji-Mayi.

44. The current military strength of MONUC, some 16,700 troops, is fully committed to carrying out the operational tasks entrusted to it by the Security Council in Ituri, North and South Kivu and Kinshasa. In view of continued instability in some of these areas, it is not expected that MONUC will have the capacity to redeploy troops to assist in providing security for elections in northern and central Katanga, or to provide extraction capabilities for electoral and other United Nations personnel in the politically volatile areas of southern Katanga and Mbuji-Mayi. It is therefore proposed that an additional brigade composed of three battalions be deployed to perform these critical tasks.

45. The brigade would be composed of a headquarters (150 personnel) and three infantry battalions (850 personnel each). The brigade would focus its main effort on the Mayi-Mayi threat in northern and central Katanga, and would carry out the following tasks: assist through its presence and patrolling in the provision of a secure environment for the elections; monitor and encourage Mayi-Mayi to join the *brassage* process; monitor the arms embargo at the airport and ports on Lake Tanganyika (Moba); deter movement of armed elements from South Kivu to Katanga; protect MONUC and other United Nations personnel, including election staff located at Kalemie, Kabalo, Moba, Kamina, Kapanga and Bukama; provide extraction for MONUC and United Nations personnel located in southern Katanga and the Kasais; protect MONUC installations in Katanga; and liaise with national armed forces deployments in the area. The brigade will have the same rules of engagement as United Nations troops deployed in the east.

46. The brigade would include a utility helicopter unit of six helicopters, including three helicopters capable of night flying (140 personnel); two observation helicopters (30 personnel); a level 2 hospital (45 personnel); and an engineer company (175 personnel). While the strength of the brigade would be 3,090 personnel, the enabling assets and the brigade headquarters would be generated from within the current authorized strength of MONUC. Hence, a total of 2,590 additional troops would be required. As a result, the overall authorized strength of MONUC would increase from 16,700 to 19,290.

47. The Katanga brigade should be deployed as a temporary measure and be operational by October 2005 at the latest. Once the electoral process has been completed, an immediate assessment will be undertaken to determine whether the Katanga brigade can be downsized or repatriated.

MONUC police

48. While the integrated leadership of the national police has been appointed at the central and provincial levels, a chronic lack of equipment, logistics and training, and the absence of any personnel records, has seriously compromised the institutional development of the police. Recent MONUC assistance has focused on a "train-the-trainer" programme, through which MONUC has trained some 446 national police trainers. However, the difficulties faced by the administrative, logistic and operational structures of the national police have affected the initially envisaged "multiplication" effect of this approach.

49. At the same time, other members of the international community have also been actively assisting the development of the national police. The European Union has trained an integrated police unit; the Governments of Angola and France are supporting the training of rapid intervention police; and the Government of South Africa has supported the training of trainers in police intelligence. The Government of Japan has stated its interest in training police in the protection of high-level officials, intelligence and small arms control and contributing to the overall democratization of the police, while the United Kingdom of Great Britain and Northern Ireland is providing expertise for the development of a communication network for the police. The Government of Norway has provided financial support for police training.

50. In addition to their training activities, MONUC police have been strategically deployed in an advisory role in 12 locations throughout the Democratic Republic of the Congo. The Ministry of the Interior, Decentralization and Security, supported by the Joint Commission for Security Sector Reform, which includes representatives of the Government, MONUC and bilateral and multilateral partners, has developed a plan that outlines the financial, logistic and human resources necessary for the national police to maintain security during the electoral process. Approximately 9,000 police officers would be trained in public security and crowd control and an additional 18,500 for the static security of the registration and polling centres. The plan also calls for the development of an intelligence and early-warning capacity. To date, Belgium the Netherlands, the United Kingdom and the European Union have pledged some $20 million of the $40 million estimated budget to a UNDP-managed trust fund.

51. Taking into account the recommendations of the Joint Commission on Security Sector Reform, MONUC and the Department of Peacekeeping Operations have developed a new concept of operations that would address the immediate needs related to enhancing the role of the national police in the electoral process, while contributing to its long-term institutional and capacity development. This will entail a two-pronged approach that will include the co-location of MONUC senior police officers at general and provincial inspector level to advise on operations planning and management, while at the same time building capacity from the bottom up. In this respect, one urgent requirement will be the registration and certification of the

national police force, which must be done before action can be taken to develop its effectiveness and accountability.

52. A training and briefing programme has already been developed for the 18,500 national police officers who will provide the static security for the registration and polling centres. National police trainers, in coordination with IEC, will conduct this training under the supervision of MONUC police personnel. At the same time, it is recommended that MONUC provide immediate support for the development of crowd-management capacity of the national police, particularly in those areas of greatest risk for disturbances during the electoral period, namely, Kinshasa, Lubumbashi, Kisangani, Mbuji-Mayi, Kananga, Bukavu, Kolwezi, Likasi and Uvira. Such training will include crowd-control operations as well as early warning, conflict resolution and non-lethal tactics.

53. MONUC police activities will require close coordination with donors, whose support will be necessary for equipping the national police. There is a need to strengthen coordination of police assistance among international donors in order to limit the risk of duplication and to better adapt support to the priorities of the national police. MONUC police will therefore promote the establishment of a working group for the coordination of those international partners who are currently, or have expressed an interest in, contributing to the development of the national police.

54. By its resolution 1493 (2003), the Security Council authorized a total strength of some 134 officers for the MONUC police. By resolution 1565 (2004), the Council authorized an increase of 5,900 personnel for MONUC, including up to 341 civilian police personnel. At present, MONUC has one formed police unit (125) that is in the process of being deployed, and 175 police officers are in situ.

55. The MONUC formed police unit and national police crowd-control units would create a mechanism on the basis of which they would conduct joint duties and training sessions. In the event of open confrontation with a crowd, MONUC police would direct the attention of the national police to the protection of the sites that are likely to be targeted (including United Nations installations) and would also help to coordinate the police response. Furthermore, MONUC police would monitor the actions of the national police to ensure that the use of force is proportionate to the threat in accordance with internationally accepted control methods that include negotiation, conflict resolution and non-lethal tactics. This strategy would significantly increase the level of security in the event of demonstrations and prevent them from deteriorating into riot situations.

56. For MONUC to implement the concept of operations described above, it is envisaged that an additional five formed police unit of 125 officers each (625) will be required, operating under the command of the Police Commissioner, providing a total of some 750 formed police officers. The role of the formed police units and MONUC military deployments will be complementary and coordinated at the strategic, tactical and operational levels. The formed police units will be deployed as follows: two in Kinshasa, one in Kisangani, one in Mbuji-Mayi, one in Lubumbashi and one in Bukavu.

57. At the same time, another 216 police personnel, above the current MONUC deployment of 175, will be required for the Mission to provide advisers at the national and provincial level and to fully support the implementation of the

Government's security plan for the elections, including the training programme for the 18,500 national police officers. These 391 officers will be deployed as follows: 25 officers to advise and assist the national police in the implementation of the security plan for the elections; 12 mobile training teams of five MONUC police officers, together with already trained Congolese police officers, to train Congolese police for elections security; 230 officers deployed in an advisory capacity in 20 strategic locations throughout the country, including 30 co-located with the national police general and provincial inspectors, and 200 to support key policing areas such as investigations, community policing, human rights, traffic and professional standards; 30 officers at MONUC police headquarters, including four persons permanently dedicated to donor coordination; and 46 officers to conduct the registration of the national police personnel, which will start with those officers who will be trained for the electoral process.

MONUC logistic support for elections

58. MONUC has carefully analysed the resources required to respond to the request of IEC, noted in paragraph 15 above, for assistance in transporting electoral material from Kinshasa to the 145 *territoires* and 21 cities. In this connection, it must be noted that the Mission's existing aviation resources are already fully utilized. Increased air mobility assets will be required to meet the transportation requirements requested by IEC, including 3 IL-76 aircraft, 6 C-130 aircraft, 11 medium-utility helicopters and 2 Mi-26 helicopters. The delivery of this equipment will also require the deployment at the 166 locations of some 400 United Nations Volunteers and national personnel.

59. The additional aircraft would also serve to supplement the support required for the deployment and sustainment of the Katanga brigade. As most of the sites are in areas without a current permanent MONUC presence, additional logistic infrastructure and ground transportation resources will be required at those locations. Upon completion of the support for the electoral process, the Department of Peacekeeping Operations will conduct a comprehensive transportation resource review and adjust the mission resources accordingly.

IV. Financial aspects

60. The General Assembly, by its resolutions 58/259 B of 18 June 2004 and 59/285 of 13 April 2005, appropriated a total of $954,766,100 for MONUC for the financial period from 1 July 2004 to 30 June 2005.

61. As at 30 April 2005, unpaid assessed contributions to the MONUC special account amounted to $459.3 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,218.8 million.

62. I shall inform the Council of the financial implications arising from the proposed support by MONUC for the holding of elections in the Democratic Republic of the Congo in an addendum to the present report to be issued shortly.

63. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $0.9 million. As indicated in my previous report to the Security Council (see S/2005/167, para.

70), with the appointment of the Ituri District Administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission established in July 2003 has accomplished its purpose. Expenditures against voluntary contributions to the trust fund of $0.35 million amounted to $0.28 million and I am seeking the views of the donors as to the disposition of the balance remaining in the fund

V. Observations and recommendations

64. Holding elections in the Democratic Republic of the Congo will obviously be a daunting task. Regrettably, the electoral process has already experienced significant delays. Nevertheless, despite the security, operational and political challenges, with sufficient focus and support by the Transitional Government and assistance from international partners, elections can be held within a reasonable period of time.

65. It is primarily the responsibility of the Transitional Government to create the conditions necessary for stability in the post-transition period and for the success of the electoral process. I urge the transitional leaders to think not of what the electoral process can bring to them personally and to their immediate supporters, but of what it can mean for the Congolese people and for the Democratic Republic of the Congo as a nation. These elections can be a turning point in the history of the Democratic Republic of the Congo. They can bring into being the first truly representative government since independence, a government that can begin the process of nation-building necessary to provide basic social and economic opportunities for the Congolese people. While the members of the Transitional Government have shown signs of understanding the significance of these elections, they must do more.

66. I welcome the adoption of a Constitution that puts into place a structure ensuring checks and balances among the executive, legislative and judiciary branches, and provides for a balance of power within the executive branch of government. During the remaining period of the transition, which will be particularly sensitive, the members of the Transitional Government must ensure that the Government is run in a transparent and impartial manner and they must commit themselves to accepting the results of the elections.

67. I have outlined in this report several recommendations through which the international community could assist the Government, including the signing of a code of conduct and the establishment of a Group of Friends on Good Governance. I strongly urge the transitional leaders to enter into these commitments and remind them that the international community stands ready to help to usher in a stable and economically sound future in the Democratic Republic of the Congo.

68. I remain deeply concerned, as do many of the country's international partners, over the state of security sector reform. The Transitional Government must not allow armed elements of former factions to be in a position where they can be politically manipulated during the electoral period. Most importantly, the stability of the post-transition State will depend on its capacity to provide security for its people. I welcome the efforts of the European Union and Member States to assist in this regard, but the ultimate responsibility lies with the Transitional Government. The problem is no longer one of producing security sector reform plans, but of ensuring that the necessary resources for their implementation are available. The

Government must ensure the transparent payment of salaries and financial support to a viable *brassage* process, as well as support to the new integrated brigades.

69. The determination that MONUC and its international partners have demonstrated in supporting the transition process has been a source of encouragement. Political work through the International Committee in Support of the Transition and flexible assistance in key areas such as the electoral operations and *brassage* have helped the Congolese people to make concrete progress in the implementation of the peace process. I urge donors to transform their commitments to the electoral budget into actual disbursements to avoid any possible bottlenecks in the electoral operations.

70. The actions taken by MONUC in disarming more than 12,000 combatants in Ituri and in increasing the security environment in North and South Kivu deserve to be acknowledged. Progress in these vital areas has shown that, with the right kind of military resources, real change can take place. It is in this context that I recommend that the Security Council consider increasing the military strength of MONUC by some 2,590 all ranks to a total strength of 19,290. These additional military personnel, who would only be deployed temporarily for the period of the elections and their immediate aftermath, could play a significant role in ensuring stability in highly volatile areas and in allowing the electorate the right to participate in the process, as well as ensuring the security of MONUC and other international personnel in high-risk areas.

71. It is also recommended that the Security Council consider strengthening the civilian police component by an additional 261 civilian police and five formed police units to undertake training and institution-building activities at the central and ground levels, as described in paragraphs 48 to 57 above. After years of being encouraged to adopt a viable police institution-building and training programme, the Transitional Government has now shown a real willingness to do so. Additional support from MONUC at this juncture would not only help to ensure stability and political openness during the electoral process, but support long-term capacity-building for the national police.

72. The logistic support requested of MONUC by IEC for the transport of electoral material from Kinshasa to the 145 *territoires* and 21 cities would represent a major challenge. Given its transport infrastructure, MONUC will be the only organization capable of providing this support. Unfortunately, the private sector in the Democratic Republic of the Congo does not have the capacity to undertake this task and contracting an international private firm would be more expensive and probably less reliable than using the MONUC infrastructure network. I therefore recommend that the Security Council consider providing such a mandate to MONUC, as described in paragraphs 58 and 59 above.

73. The forthcoming elections in the Democratic Republic of the Congo provide an opportunity for stability not only in that country. They will also contribute to stability in the subregion. There is a strong hope that through the strategy and recommendations outlined in this report — including those addressed to the Transitional Government and those put forward for the consideration of the international donors and the Security Council — this long-sought goal can be achieved.

74. In closing, I would like to congratulate my Special Representative and the women and men of MONUC, the United Nations family and international partners for their untiring efforts, often under conditions of personal risk, in the pursuance of peace in the Democratic Republic of the Congo. I would also like to congratulate the Congolese people for their courage and foresight in meeting the many challenges before them in bringing long-term stability to their country.